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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/955,129

09/19/2001

Bryan C. Turner

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8413

23164

7590

08/24/2005

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EXAMINER

WU, XIAO MIN

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,129

Applicant(s)

TURNER ET AL.

Examiner

XIAO M. WU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/1/2005 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-11, 13-23, 25-35, 37-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pietrowicz et al. (Pub. No US/2003/0026244) in view of Uchida et al. (US Patent No. 6,275,226).

As to claims 1, 13, 25, 37, Pietrowicz discloses a network-enabled user interface device (100, Fig. 1), the device including: a display screen (122) configured for display elements; a user interface (124) configured for supplying user inputs; an application controller configured (110A) for obtaining display requests from executable application resources, the application controller including a network interface (132, 140) configured for receiving at least a portion of the display requests from a corresponding remote group of the executable application resources via an open protocol network (102, 104).

It is noted that Pietrowicz does not specifically disclose an interface controller configured for partitioning the display screen into the distinct display areas and outputting the display elements for the respective distinct display area, the interface controller including an arbitrator configured for selecting, from the display request, the display element for each corresponding display area based on at least one of corresponding determined condition and a determined presence of a selected one of the user inputs.

Uchida is cited to teach an interface controller (e.g. GUI control property defining information controller (203, Fig. 2) configured for partitioning the display screen into the distinct display areas (e.g. application windows can be arranged in overlapping or tile formats) and outputting the display elements for the respective distinct display area (application windows), the interface controller (203) including an arbitrator (205) configured for selecting, from the display request (e.g. GUI control property defining information 201), the display element for each corresponding display area (503, Fig. 5) based on at least one of corresponding determined condition and a determined presence of a selected one of the user inputs.

It would have been obvious to one of ordinary skill in the art to have modified Pietrowicz with the features of the GUI controller as taught by Uchieda because Uchieda provides a system and method for supporting development of application windows and more particularly, to development supporting system and method which utilize a client/ serve system for an application constructed of application windows using graphical user interface GUI controls (col. 1, lines 6-11).

As to claims 2, 14, 26, 38, Uchieda discloses a corresponding display list entry for storage of an application object, the arbitrator (205, Fig. 2) for selecting a corresponding one of the display entries for display of the corresponding application object as the corresponding display element.

As to claims 3, 4, 15, 16, 27, 28, 39, 40, Uchieda discloses the arbitrator (205) for selecting the display list entry for display of the corresponding application object (see Fig. 4, col. 5, lines 29-42).

As to claims 5-7, 10-11, 17-19, 22-23, 29-31, 34-35, Uchieda discloses an application window-editing window (Figs 5 and 6, also see col.5, line 65 to col. 6, line 64).

As to claims 8, 20, 32, 44, Pietrowicz discloses that the open protocol networks is an Internet Protocol network (page 2, pp0024).

As to claims 9, 21, 33, 45, Pietrowicz discloses application characteristic includes a determined application class (e.g. analog or digital).

5. Claims 12, 24, 36, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pietrowicz et al. (Pub. No US/2003/0026244) in view of Uchida et al. (US Patent No. 6,275,226)

as applied to claims 1-11, 13-23, 25-35, 37-47 above, and further in view of Jennings (US Patent No. 6,719,593).

It is noted that both Pietrowicz and Uchieda do not specifically disclose an XML document. Jennings is cited to teach a VOIP device similar to Pietrowicz. Jennings discloses using an XML document. It would have been obvious to one of ordinary skill in the art to have Pietrowicz as modified with the features of XML document because the XML document is well known for use in the Internet environment.

Response to Arguments

6. Applicant's arguments filed 8/1/2005 have been fully considered but they are not persuasive. Applicant argues that the claimed partitioning of the display screen into "distinct display areas" within the network-enabled user interface device enable efficient arbitration of display requests on a per display area basis, without the necessity of a user pointing device such as mouse, and moreover, the claimed partitioning of the display screen into "distinct display area" ensures that no single executable application controls the entire display; rather, the selected display elements from multiple executable application resource can be presented to the user simultaneously based on number of context sensitive heuristics. These arguments are not persuasive because the claim only requires "an interface controller configured for partitioning the display screen into the distinct display areas and outputting the display elements for the respective distinct display area", and Uchieda clearly discloses that an interface controller (e.g. GUI control property defining information controller (203, Fig. 2) configured for partitioning the display screen into the distinct display areas (e.g. application windows can be arranged in overlapping or tile formats) and outputting the display elements for the respective distinct

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display area (application windows). It is well known in the art the windows can be arranged in different layouts such in overlapping layouts tile layouts. The tile layout is partitioning the display screen. Thus, the combination of the prior arts still meets the claimed limitations.

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to XIAO M. WU whose telephone number is 571 272-7761. The examiner can normally be reached on 6:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICK EDOUARD, can be reached on 571 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 18, 2005

x.w.


XIAO M. WU
Primary Examiner
Art Unit 2674